



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,441	03/03/2000	Jason C. Fan	M-8564US	7539

7590
Sawyer Law Group
2645 E. Bayshore Road
suite 406
Palo Alto, CA 94303

07/07/2003

EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/519,441

Applicant(s)

FAN ET AL.

Examiner

Keith M. George

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 5, 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 4 recites the limitation "said one or more processors" in lines 1 and 2-3. There is insufficient antecedent basis for this limitation in the claim. It is also unclear how one processor can comprise another processor as is stated in the claim.

4. Claim 5 recites the limitation "said one or more processors" in lines 1 and 2-3. There is insufficient antecedent basis for this limitation in the claim. It is also unclear how one processor can comprise another processor as is stated in the claim.

5. Claim 8 recites the limitation "said one or more processors" in lines 1 and 3. There is insufficient antecedent basis for this limitation in the claim. It is also unclear how one processor can comprise another processor as is stated in the claim.

6. Claim 13 recites the limitation "said one or more processors" in lines 1 and 2-3. There is insufficient antecedent basis for this limitation in the claim. It is also unclear how one processor can comprise another processor as is stated in the claim.

Art Unit: 2663

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 9-11, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al., U.S. Patent 5,311,585, hereinafter Armstrong, in view of George et al., U.S. Patent 4,644,532, hereinafter George.

9. Referring to claims 1-3, Armstrong teaches a stored program control switch shown in figure 5. The switch includes a digital signaling interface (514); which is a transceiver for communicating signaling messages in digital form over a link (520). The switch also includes a switch fabric that performs, under the control of a processor, all the switching necessary to connect trunks to each other (column 11, lines 39-60). Armstrong teaches the hardware configuration described above with the possible exception of a method to monitor neighboring nodes for a topology change and communicate that change to the other nodes in the network. George teaches a topology update procedure that is performed as follows: when a control node receives a message indicating a change in topology and including a time stamp (session identifier) from a neighboring node (monitor a message from a neighboring node identifying attributes of the neighboring node), the control node updates the topology by replacing the list of links adjacent to the node in its topology data base with the new list. After the control node has updated its own database, it proceeds to inform all other control nodes about the new status via a broadcast protocol by sending a broadcast message with the information to each neighbor on the

Art Unit: 2663

network (communicate to other nodes a change in the topology). Whenever a node on the network receives such a broadcast, it checks its topology entry for the node. If the time stamp in the messages is less than or equal to the current time stamp stored for the node, the broadcast message is discarded. Otherwise the receiving control node changes its topology table entry and proceeds to transmit the identical message to all of its neighbors (each session identifier (time stamp) being associated with a different topology) (column 3, line 65 - column 4, line 37). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that George was teaching a topology update procedure that could be used in any type of communication network that typically consists of a plurality of nodes and communication links interconnecting the nodes. The nodes taught by George are generic in nature and one of ordinary skill in the art would be motivated to utilize the hardware described by Armstrong as a node in the network of George. One of ordinary skill in the art would have been motivated to do this because both George and Armstrong are teaching a method to be used in a communication network with the purpose of transmitting data between two points of a network.

10. Referring to claims 9 and 11, Armstrong and George teach the switch described in claim 1 above where it was clearly shown that George teaches that whenever a control node receives a message, the control node updates the topology by replacing the list of links adjacent to the node in its topology database with the new list (update a routing table within the routing switch based upon the topology change) (column 4, lines 9-13).

11. Referring to claims 10, 14 and 21, Armstrong and George teach the switch described in claims 1,2 and 3 above and George also teaches that additions or deletions of communication links are made know to the local topology monitor (column 6, lines 42-44).

Art Unit: 2663

12. Claims 4, 8, 13, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong and George as applied to claims 1, 2 and 3 above, and further in view of Pitchaikani et al., U.S. Patent 6,061,505, hereinafter Pitchaikani. Armstrong and George teach the switch described in claims 1, 2 and 3 above with the possible exception of detecting the address of the neighboring nodes. Pitchaikani teaches a method for providing topology information about a network and that each device on a network is uniquely represented by data stored in a corresponding device record. Each device record includes data for the field illustrated in Table 1. Table 1 clearly shows that the logical address and physical address of the device are recorded (column 6, lines 48-54 and Table 1). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to monitor the address of the neighboring devices as taught by Pitchaikani in the router of Armstrong and George that was monitoring topology changes. One of ordinary skill in the art would have been motivated to do this because as networks becoming increasingly complex, it become increasing important to keep track of the various devices on a network and now they are interconnected. Such interconnection information is referred to as the topology of the network (Pitchaikani, column 1, lines 17-21).

13. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong and George as applied to claims 1 and 3 above, and further in view of Flammer et al., U.S. Patent 4,939,726, hereinafter Flammer. Armstrong and George teach the switch described in claims 1 and 3 above with the possible exception of detecting the quality of a link from a neighboring node. Flammer teaches a method for routing packets in a packet communication network where at each node; a link quality factor for each possible destination is established. The link quality factor may be used as a metric (column 3, lines 20-24). At the time the

Art Unit: 2663

invention was made, it would have been obvious to a person of ordinary skill in the art to establish a link quality as taught by Flammer in the switch network of Armstrong and George.

One of ordinary skill in the art would have been motivated to do this because the metric may be used to establish a hierarch among possible local destination based on the maximum forward progress attainable using the minimum amount of power (Flammer, column 3, lines 25-28).

14. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong and George as applied to claims 1 and 2 above, and further in view of Liang et al., U.S. Patent 5,732,086, hereinafter Liang. Armstrong and George teach the switch described in claims 1 and 2 above with the possible exception of updating the topology after a threshold period of time. Liang teaches a method for determining the topology of a reconfigurable multi-nodal network, which includes a state machine shown in figure 4. The stable state indicates that the node considers the topology stable since it has not received a topology update from any node within a time duration (column 8, lines 16-18). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to implement the state machine of Liang in the system of Armstrong and George. One of ordinary skill in the art would have been motivated to do this because Liang is teaching a method to discover when no neighbor nodes are heard from then the system becomes stable, otherwise it should continue to update in one of the other states (column 8, lines 3-22).

Art Unit: 2663

Allowable Subject Matter

15. Claims 6, 7, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Wang, U.S. Patent 6,529,301, teaches a switching node that includes an optical switch fabric.
- b. Iwata, U.S. Patent 6,026,077, teaches a link state database for storing hierarchical topology information obtained by said link state routing protocol means and information about quality of communication via links and nodes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, every other F 7:00-3:30.

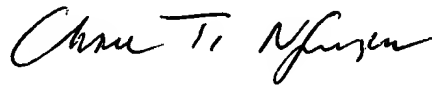
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9315 for After Final communications.

Art Unit: 2663

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Keith M. George
June 27, 2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600